

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

December 17, 2018

#28332-077
Mr. Maurice Clifton
FCI Forrest City Low
P.O. Box 9000
Forrest City, AR 72336-9000

No. 18-60867 In re: Maurice Clifton
USDC No. 3:97-CR-6-1

Dear Mr. Clifton,

We have docketed the petition for writ of mandamus, and ask you to use the case number above in future inquiries.

Filings in this court are governed strictly by the Federal Rules of **Appellate** Procedure. We cannot accept motions submitted under the Federal Rules of **Civil** Procedure. We can address only those documents the court directs you to file, or proper motions filed in support of the appeal. See FED. R. APP. P. and 5TH CIR. R. 27 for guidance. We will not acknowledge or act upon documents not authorized by these rules.

All counsel who desire to appear in this case must electronically file a "Form for Appearance of Counsel" naming all parties represented within 14 days from this date, see FED. R. APP. P. 12(b) and 5TH CIR. R. 12. This form is available on our website www.ca5.uscourts.gov. Failure to electronically file this form will result in removing your name from our docket. Pro se parties are not required to file appearance forms.

Your petition is deficient for the reason(s) listed below. **You must comply within 30 days of the date of this letter. If you fail to comply we will dismiss your petition for writ of mandamus without further notice.**

You failed to comply with FED. R. APP. P. 21 because your petition does not contain proof of service on all parties to the action in the trial court. You also must provide a copy to the trial court judge.

You have not paid the docketing fee of \$500.00, or you were not given permission to pay the fee in installments under the Prison Litigation Reform Act, 28 U.S.C. § 1915. If you cannot pay the \$500.00 fee in full at this time, you may file a motion in this court for permission to proceed in forma pauperis. **HOWEVER, EVEN IF YOU ARE ALLOWED TO PROCEED AS A**

PAUPER, YOU STILL MUST PAY THE FULL AMOUNT OF THE DOCKETING FEE. If you move to proceed as a pauper, you must attach an affidavit listing all assets, and a certified copy of your prison trust fund account statement from the appropriate official of each prison where you were confined for the six-month period preceding the filing of your mandamus petition. A form is enclosed.

If this court permits you to proceed as a pauper, it will assess, and when funds exist, collect, an initial payment of 20 percent of the greater of (1) the average monthly deposits, or (2) the average monthly balance of the account for the six-month period immediately before the filing of the petition. Thereafter, you must make monthly payments of 20 percent of the amount credited to your account in the preceding month whenever such amount exceeds \$10.00. The agency having custody of you must withhold and forward payments to the court until the entire filing fee is paid. See 28 U.S.C. § 1915 (b).

ATTENTION ATTORNEYS: Attorneys are required to be a member of the Fifth Circuit Bar and to register for Electronic Case Filing. The "Application and Oath for Admission" form can be printed or downloaded from the Fifth Circuit's website, www.ca5.uscourts.gov. Information on Electronic Case Filing is available at www.ca5.uscourts.gov/cmecf/.

ATTENTION ATTORNEYS: Direct access to the electronic record on appeal (EROA) for pending appeals will be enabled by the U S District Court on a per case basis. Counsel can expect to receive notice once access to the EROA is available. Counsel must be approved for electronic filing and must be listed in the case as attorney of record before access will be authorized. Instructions for accessing and downloading the EROA can be found on our website at www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads. Additionally, a link to the instructions will be included in the notice you receive from the district court.

Sealed documents, except for the presentence investigation report in criminal appeals, will not be included in the EROA. Access to sealed documents will continue to be provided by the district court only upon the filing and granting of a motion to view same in this court.

We recommend that you visit the Fifth Circuit's website, www.ca5.uscourts.gov and review material that will assist you during the appeal process. We especially call to your attention the Practitioner's Guide and the 5th Circuit Appeal Flow Chart, located in the Forms, Fees, and Guides tab.

Sealing Documents on Appeal: Our court has a strong presumption of public access to our court's records, and the court scrutinizes any request by a party to seal pleadings, record excerpts, or other documents on our court docket. Counsel moving to seal matters must explain in particularity the necessity for sealing in our court. Counsel do not satisfy this burden by simply stating that the originating court sealed the matter, as the circumstances that justified sealing in the originating court may have changed or may not apply in an appellate proceeding. It is the obligation of

counsel to justify a request to file under seal, just as it is their obligation to notify the court whenever sealing is no longer necessary. An unopposed motion to seal does not obviate a counsel's obligation to justify the motion to seal.

Sincerely,

LYLE W. CAYCE, Clerk

A handwritten signature in cursive script, appearing to read "Monica R. Washington".

By: _____
Monica R. Washington, Deputy Clerk
504-310-7705

cc: Mr. David Crews

Provided below is the court's official caption. Please review the parties listed and advise the court immediately of any discrepancies. If you are required to file an appearance form, a complete list of the parties should be listed on the form exactly as they are listed on the caption.

Case No. 18-60867

In re: MAURICE CLIFTON,
Petitioner